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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,294	03/15/2001	David T. Adams	48897-025	7577
20277	7590	08/25/2006	EXAMINER	
MCDERMOTT WILL & EMERY LLP			WEISBERGER, RICHARD C	
600 13TH STREET, N.W.			ART UNIT	
WASHINGTON, DC 20005-3096			PAPER NUMBER	

3693

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/787,294		ADAMS.ET AL.	
	Examiner		Art Unit	
	Richard C. Weisberger		3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

In response to this requirement, please provide answers to each of the following interrogatories eliciting factual information:

Is the applicant aware of the activities of an independent Business to Business market place known as World Wide Wood Network? Is the applicant aware of due diligence performed by Talpx or its predecessors directed to this company. If so, please provide this material. Is the applicant aware of any public use activities or publications (e.g. sales or promotional material) by the World Wide Wood Network business? Is yes, please provide statements and or copies of these publications.

Is the applicant aware of the activities of an independent Business to Business market place known as WoodPlanet? Is the applicant aware of due diligence performed by Talpx or its predecessors directed to this company. If so, please provide this material. Is the applicant aware of any public use activities or publications (e.g. sales or promotional material) by the WoodPlanet business? Is yes, please provide statements and or copies of these publications.

Is the applicant aware of the activities of an independent Business to Business market place known as eWood? Is the applicant aware of due diligence performed by Talpx or its predecessors directed to this company. If so, please provide this material. Is the applicant aware of any public use activities or publications (e.g. sales or promotional material) by the Ewood business? Is yes, please provide statements and or copies of these publications.

Is the applicant aware of the activities of an independent Business to Business market place known as LowGradeLumber? Is the applicant aware of due diligence performed by Talpx or its predecessors directed to this company. If so, please provide this material. Is the applicant aware of any

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public use activities or publications (e.g. sales or promotional material) by the LowGradeLumber Network business? Is yes, please provide statements and or copies of these publications.

Is the applicant aware of the activities of an independent Business to Business market place known as World Wide Wood Network? Is the applicant aware of due diligence performed by Talpx or its predecessors directed to this company. If so, please provide this material. Is the applicant aware of any public use activities or publications (e.g. sales or promotional material) by the World Wide Wood Network business? Is yes, please provide statements and or copies of these publications.

Is the applicant aware of the activities of an independent Business to Business market place known as LumberMarket? Is the applicant aware of due diligence performed by Talpx or its predecessors directed to this company. If so, please provide this material. Is the applicant aware of any public use activities or publications (e.g. sales or promotional material) by the LumberMarket business? Is yes, please provide statements and or copies of these publications.

Is the applicant aware of the activities of an independent Business to Business market place known as World Wide Wood Network? Is the applicant aware of due diligence performed by Talpx or its predecessors directed to this company. If so, please provide this material. Is the applicant aware of any public use activities or publications (e.g. sales or promotional material) by the World Wide Wood Network business? Is yes, please provide statements and or copies of these publications.

Is the applicant aware of the activities of an independent Business to Business market place known as PaperExchange and/or PaperX, and/or Paperhub? Is the applicant aware of due diligence performed by Talpx or its predecessors directed to this company. If so, please provide this material. Is the applicant aware of any public use activities or publications (e.g. sales or promotional material) by the World Wide Wood Network business? Is yes, please provide statements and or copies of these publications.

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In response to this requirement, please state the specific improvements of the subject matter in claim 1 over the disclosed prior art and indicate the specific elements in the claimed subject matter that provide those improvements. For those claims expressed as means or steps plus function, please provide the specific page and line numbers within the disclosure which describe the claimed structure and acts.

The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of two months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C. Weisberger whose telephone number is 571 272 6753. The examiner can normally be reached on 6:30 AM to 10:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammel can be reached on 571 272 6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Richard C Weisberger
Primary Examiner
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